

Interview with the Examiner Debra F. Charleas and the supervising
Examiner Alexander G. Kalinowski (1-571-272-6743) January 17, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eli NHAISI et al
Serial Number: 09/744,102
Filing Date: March 16, 2001
For: INTERNET BILLING
Attorney Docket: 35814 (Previously: 092/01939)
Art Unit: 3691

Examiner: Debra F. Charles

Mail Stop Amendment
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RECORDATION OF SUBSTANCE OF INTERVIEW
IN ACCORD WITH MPEP 713.01(b) AND 713.04**

Sir:

The following is a summary of a telephone interview conducted on January 17, 2007
concerning a FINAL OFFICE ACTION mailed December 14, 2006.

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INTERVIEW SUMMARY

The office action of December 14, 2006 was the fourth office action in this case and was made final by the Examiner.

The telephone interview was arranged in advance. The USPTO was represented by Examiner Debra F. Charles and Supervising Examiner Alexander G. Kalinowski. The Applicant was represented by Patent Agent Maier Fenster (Reg. No. 41,016) and Dr. Sinai Yarus; both of Fenster & Co. in Petach Tikva, Israel.

The Applicant requested the interview to object to the finality of the Office action and ask that finality be rescinded. The Applicant raised three main points during the Interview. Each of the three points is sufficient grounds to request a non-final office action. Details listed below the three main points are from a written summary prepared prior to the interview and some of the details may not have actually been provided during the interview. All details are presented here in order to provide a clear picture of the situation.

**(1) Lack of motivation to combine Rainis with Jacobson and Berlin
to formulate a § 103(a) rejection**

Applicants respectfully suggested that a caller would have no motivation (as suggested by the Examiner) to search and/or purchase on the Internet because they would naturally devote their attention to the phone call which Rainis is primarily concerned with. This point was made in the previous response and was not addressed by the Examiner in the pending final action.

(2) Lack of Prima Facie case:
Combination of cited references does
not provide all claimed limitations

The Applicant presented claims 88 and 142 -145 as examples during the interview although numerous other examples were provided in detail in a previous office action response.

Claim 88 (not amended in previous response) stands rejected under §103 (a) as unpatentable over Rainis in view of Jacobson in view of Berlin.

The Applicant suggested that none of the three references teach/suggest :

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which activities incidentally modify said balance additionally to said accessing, which activities are other than a requesting by an accessor of said account to transfer funds to said account from another account

The Applicant noted that the Examiner does not state that the references produce the underlined limitations in the currently pending Office Action.

Claims 142-145 (not amended in previous response) stands rejected under §103 (a) as unpatentable over Rainis in view of Jacobson in view of Berlin in view of Del Riccio.

The Applicant suggested that none of the four references teach/suggest :
slotting advertisements in available advertising slots in an Internet nor *controlling, by a user, an actual presentation of said advertising responsive to a real-time status of said account*"

The Applicant noted that Del Riccio does not teach advertising at all.

The Applicant additionally noted that Del Riccio describes coin operated televisions in which pre-payment is made by depositing coins in a television receiver and respectfully suggested that it is unclear how prepayment by coins, as described by Del Riccio, could be implemented in an Internet based system as instantly claimed.

(3) Not all claims specifically rejected

The Applicant pointed out that independent claim 131 is not specifically rejected.

Claim 131 contains limitations:

accessing a plurality of Internet sites via said cost server, using an Internet interaction protocol, which access does not require additional actions beyond selecting a URL (Uniform Resource Locator) by a user; and
generating a debit, which debit accumulates charges at a different rate for each accessed site

Claim 131 was nominally rejected under §103(a) in view of Rainis in combination with Jacobson and Berlin but no specific rejection of this independent claim was formulated. The Applicant specifically indicated that no specific rejection of claim 131 was on record in the response to a previous non-final office action.

The Applicant pointed out that independent claim 138 is not specifically rejected.

Claim 138 contains limitations:

using an arbitrary computer;
downloading from the Internet a virtual personality; and

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*automatically updating the arbitrary computer using the virtual personality, to be
configured as indicated by said personality.*

Claim 138 was nominally rejected under §103(a) in view of Rainis in combination with Jacobson and Berlin but no specific rejection of this independent claim was formulated.

Applicant specifically indicated that no specific rejection of claim 138 was on record in the response to a previous non-final office action.

Without specifically addressing any of the three points raised by the Applicant, the supervising Examiner indicated that the finality of the OA would be withdrawn and a new non-final office action will be issued in this case.

In response to direct queries from Applicant's representatives, the supervising Examiner indicated that:

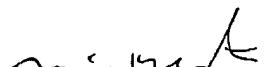
- (a) An interview summary would be prepared by the Examiner(s); and
- (b) The mailing date of the new non-final office action would begin a new six month period for reply.

At the time of this writing, the Applicant is unable to find any indication in PAIR that either an interview summary or a new non-final office action has been entered into the record. Therefore, the Applicant respectfully requests that this summary be entered into the record.

The Applicant looks forward to receipt of a new non-final office action and expresses the hope that the coming office action will be prepared in conformity with MPEP 707.02 which specifies that applications with a pendency exceeding five years are to be considered "special" by the Examiner.

The Applicant trusts that due care will be taken to issue the new non-final office action before June 14, 2007 so that the case does not become abandoned. Because the interview was conducted within the three month shortened statutory period for response, it is expected that no extension fees will be required.

Respectfully submitted,



Maier Fenster
Reg. No. 41,016

March 16, 2007